

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LON NEGRIN, FUSION S.A., and TOP OF	:	
PRODUCTIONS, LLC	:	
	:	09 Civ. 6234 (LGS)
Plaintiffs,	:	
	:	
-against-	:	<u>MEMORANDUM AND</u>
	:	<u>ORDER</u>
IRWIN KALINA, <i>et al.</i>	:	
	:	
Defendants.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

Before the Court is Magistrate Judge Kevin Nathaniel Fox’s Report and Recommendation (the “Report”), recommending that the Court dismiss Plaintiffs Fusion S.A. and Top of Productions, LLC for failure to prosecute their claims pursuant to Fed. R. Civ. P. 41(b), and to dismiss Plaintiff Negrin’s Motion to Transfer Damages as improperly made.

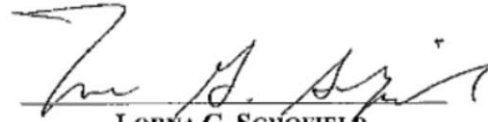
A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). The district court “may adopt those portions of the report to which no ‘specific, written objection’ is made, as long as the factual and legal bases supporting the findings and conclusions set forth in those sections are not clearly erroneous or contrary to law.” *Adams v. New York State Dep’t of Educ.*, 855 F. Supp. 2d 205, 206 (S.D.N.Y. 2012) (citing Fed. R. Civ. P. 72(b); *Thomas v. Arn*, 474 U.S. 140, 149, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985)).

Having reviewed the Report, to which no objection was made, the Court finds no clear error on the face of the record. Accordingly, the Court ADOPTS the Report in its entirety as the decision of the Court. Plaintiffs Fusion S.A. and Top of Productions, LLC are DISMISSED.

The Clerk of Court shall terminate the Motion at Dkt. No. 107 as improperly made. The remaining parties shall continue before Magistrate Judge Fox.

SO ORDERED.

Dated: November 5, 2013  
New York, New York



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE